



Tuvalu

Country Reports on Human Rights Practices - [2001](#)

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The country has been independent since 1978, and its Constitution provides for a parliamentary democracy. The Head of State is the Queen of England, represented by the Governor General, who must be a citizen of Tuvalu. The judiciary is independent.

A 70-member police constabulary, the only security force, is responsible to and effectively controlled by civilian authority.

The country has a population of approximately 10,000 persons on 9 atolls in the central South Pacific Ocean. The primarily subsistence economy relies mainly on coconuts, taro, and fishing. With donor assistance, Tuvalu has developed a well-managed trust fund, which is supplemented by significant annual payments for use of its international telephone-dialing prefix. An agreement for use of the country's Internet country code, ".tv," has increased national revenues significantly. Remittances from citizens working abroad as well as the sale of postage stamps and of fishing licenses to foreign vessels provide additional foreign exchange. The country's isolation limits economic development.

The Government generally respected the human rights of its citizens, and the society is generally egalitarian; however, social behavior, as determined by custom and tradition, is considered as important as the law, is ensured by village elders, and leads to some social discrimination. Women traditionally occupy a subordinate role, with limits on their job opportunities.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them. Local hereditary elders exercise considerable traditional authority—including the right to inflict corporal punishment for infringing customary rules, which can be at odds with the national law; however, corporal punishment is seldom invoked.

There are two prison facilities: One consists of several holding cells near the airport; the other is at the back of the police station. It is rare for a prisoner to spend as long as a week in a cell; more commonly, a person is incarcerated overnight because of drunkenness. While prison conditions are somewhat Spartan regarding food and sanitation, complaints appear to be minimal or nonexistent. Prison conditions generally meet international

standards.

There are no local human rights groups, and the question of prison monitoring by them has not arisen. Visits by church groups and family members are permitted.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, or forced exile, and the Government generally observes these prohibitions.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice.

The judicial system consists of the higher courts:

The Privy Council, the Court of Appeal, and the High Court; and the lower courts: The senior and resident magistrates, the island courts, and the land courts.

The Chief Justice, who is also Chief Justice of Nauru, sits on the High Court approximately once a year.

The Constitution provides for the right to a fair trial, and an independent judiciary generally enforces this right. The Constitution provides that accused persons must be informed of the nature of the offenses with which they are charged and be provided the time and facilities required to prepare a defense. The right to confront witnesses, present evidence, and appeal convictions is provided by law. Procedural safeguards are based on English common law. An independent people's lawyer is required by statute. The services of this public defender are paid by the Government and available to all citizens without charge.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and of the Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press.

The sole radio station is under government control. A government-owned television station broadcasts 3 hours per week. The Office of the Prime Minister and the Department of Telecommunications in the Ministry of Works manage Internet services; there are no government limits or controls over the Internet.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the freedoms of assembly and association, and the Government generally respects these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

The Constitution provides for these rights, and the Government generally respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. No person has applied for refugee status, and the issue of the provision of first asylum has never arisen. The Government has not formulated a policy regarding refugees, asylees, or first asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Citizens freely and directly elect a 15-member unicameral Parliament whose normal term is 4 years. Each of the country's nine atolls is administered by a six-person council, also elected by universal suffrage to 4-year terms. The minimum voting age is 18 years.

The Cabinet consists of the Prime Minister, elected by secret ballot from among the Members of Parliament, and four other ministers, appointed and removed from office by the Governor General with the advice of the Prime Minister. The Prime Minister may appoint or dismiss the Governor General on behalf of the British monarch. The Prime Minister may be removed from office by a parliamentary vote of no confidence. On February 24, Faimalaga Luka was elected Prime Minister following the death of his predecessor, Ionatana Ionatana. Luka was defeated in a vote of no confidence on December 7; Kaloa Talake was elected Prime Minister on December 13. There are no formal political parties.

The percentage of women in government and politics does not correspond to their percentage of the population, largely due to cultural traditions. At present there are no female Members of Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

While no known barriers block their establishment, there are no local nongovernmental organizations concerned with human rights. There have been no allegations of human rights violations by the Government and no known requests for investigations.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race, creed, sex, or national origin, and the Government observes these prohibitions. However, the traditional culture has limited women's job opportunities.

Women

Violence against women is rare. Domestic violence is rising, but it is still relatively infrequent and has not become a source of societal concern. There is little public discussion of the problem.

Prostitution and sex tourism are illegal; legislation in 2000 abolished phone sex companies. There are no laws prohibiting sexual harassment, and there were some cases of sexual harassment during the year.

Women increasingly hold positions in the health and education sectors and also are more active politically. In 2000 the Government established a women's department in the Ministry of Internal Affairs to recognize officially the importance of women in society; however, it took no significant action this year.

Children

The Government provides commensurate funding for children's welfare within the context of its total available resources. Education is compulsory for children from age 6, through 13 years of schooling. Students compete for academic scholarships to attend university level education overseas; otherwise, they participate in vocational training focusing on subsistence farming and maritime training for men and computer or other business training for women.

The Government provides free medical care through age 18.

There were no reports of child abuse.

In March 2000, a fire destroyed a girls' boarding school, with 19 fatalities. A government investigation completed in April 2000 found that no negligence occurred. The Government undertook to improve safety standards at schools, and standards reportedly improved during the year.

Persons with Disabilities

There were no known reports of discrimination against persons with disabilities in employment, education, or in the provision of other state services. There are no mandated accessibility provisions for persons with disabilities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right of association. Workers are free to organize unions and choose their own labor representatives, but most of the population lacks permanent employment and is engaged in subsistence activity. The law provides for the right to strike, but no strike has ever been recorded.

In the public sector, civil servants, teachers, and nurses—who total fewer than 1,000 employees—are grouped into associations that do not have the status of unions. The only registered trade union, the Tuvalu Seamen's Union, has about 600 members who work on foreign merchant vessels. Unions may affiliate with international bodies. The Seamen's Union is a member of the International Transportation Workers' Federation.

The country is not a member of the International Labor Organization.

b. The Right to Organize and Bargain Collectively

The law provides for conciliation, arbitration, and settlement procedures in cases of labor disputes. Although there are provisions for collective bargaining, the practice in the private sector is for wages to be set by employers. For both the private and public sectors, the legal procedures for resolving labor disputes are seldom used; instead, the two sides normally engage in nonconfrontational deliberations in the local multipurpose meeting hall.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including forced or bonded labor by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits children under the age of 14 from working. The law also prohibits children under 15 years of age from industrial employment or work on any ship and stipulates that children under the age of 18 years are not allowed to enter into formal contracts, including work contracts. Children rarely are employed outside the traditional economy.

The country is not a member of the International Labor Organization (ILO) and has not ratified ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children and enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The minimum wage, set administratively by the Government, is sufficient to allow a worker and family in the wage economy to maintain a decent standard of living. The biweekly minimum wage in the public (government) sector is \$75.66 (\$A130). This rate applies regardless of sex and age. In most cases, the private sector adopts the same minimum wage rate.

The Labor Office may specify the days and hours of work for workers in various industries. The workday by law is set at 8 hours. The majority of workers are outside the wage economy. The law provides for rudimentary health and safety standards. It requires employers to provide an adequate potable water supply, basic sanitary facilities, and medical care. Specific provisions of the law provide for the protection of female workers. The Ministry of Labor, Works, and Communications is responsible for the enforcement of these regulations, but it provides only minimum enforcement.

Workers can remove themselves from work situations that endanger health or safety without jeopardy to their jobs; legal foreign workers also are protected by the law.

f. Trafficking in Persons

The law prohibits procurement of persons within and across borders for purposes of prostitution, but it does not mention or prohibit trafficking specifically. However, there were no reports that persons were trafficked to, from, or within the country.